IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

FRIDAY, THE 15TH JUNE 2007 / 25TH JYAISHTA 1929

OP.No. 4494 of 1993(I)

PETITIONER:

K.V.BALAN, SON OF ARUMUGHAN,
KUNDIL VADAKKETHIL HOUSE,
P.O.PATTITHARA, VIA THRITHALA,
OTTAPALAM TALUK, PALGHAT DISTRICT.(DIED)

ADDL.PETITIONERS 2 TO 8 IMPLEADED.

2. K.C.SUSHEELA, W/O.LATE K.V.BALAN,
KUNDIL VADAKKETHIL HOUSE,
P.O.PATTITHARA, VIA TRITHALA,
OTTAPALAM TALUK, PALGHAT DISTRICT.

3. K.V.NARAYANAN, S/O.LATE K.V.BALAN,
KUNDIL VADAKKETHIL HOUSE, P.O. PATTITHARA,
VIA TRITHALA, OTTAPALAM TALUK, PALGHAT DISTRICT.

4. K.V.SUKUMARAN, S/O. LATE K.V.BALAN,
KUNDIL VADAKKETHIL HOUSE, P.O.PATTITHARA,
VIA TRITHALA, OTTAPALAM TALUK,
PALGHAT DISTRICT.

5. MRS. SUMATHI DIVAKARAN, CHOLLAKAL HOUSE,
P.O. TRIKANAPURAM, VIA THAVANNUR, MALAPPURAM.

6. K.V.SETHUMADHAVAN, S/O. LATE K.V.BALAN,
KUNDIL VADAKKETHIL HOUSE, P.O.TRITHALA,
OTTAPALAM TALUK, PALGHAT DISTRICT.

7. MRS.RADHA MANI, KUNNATH HOUSE, MANJAKKAD,
SHORNUR P.O., PALAKKAD DISTRICT.

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8. K.V.SASIKUMAR, S/O.LATE K.V.BALAN,
KUNDIL VADAKKETHIL HOUSE,
P.O.PATTITHARA, VIA TRITHALA ,
OTTAPALAM TALUK, PALGHAT DISTRICT.

ADDL. PETITIONERS 2 TO 8 AS PER ORDER DT. 20.2.07 IN IA. NO.8086/05.

BY ADV. SMT.PREETHY KARUNAKARAN
SRI.R.RAJESH KORMATH
SMT.MEENA.A.
SMT.M.R.MINI
SMT.SANJANA R.NAIR
SRI.RAHUL VARMA
SRI.V.S.ROBIN

RESPONDENTS:
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1. THE STATE OF KERALA,
REP.BY THE CHIEF SECRETARY TO THE
GOVERNMENT, SECRETARIAT, TRIVANDRUM.

2. THE TALUK LAND BOARD, OTTAPALAM.

ADDL.R3 TO R4 IMPLEADED.

3. MRS. SHARADA RAJARATNAM, P.M..A CLINIC,
439, RAJA STREET, COIMBATORE.

4. MRS. VASANTHA VIDYADHARAN,
KARUMAMPOYIL HOUSE "ARCHANA"
P.O.CHINGATHARA, VIA NILAMBUR,
MALAPPURAM DISTRICT.

IMPLEADED AS ADDL.R3 & R4 AS PER ORDER DT. 20.2.07 IN IA.NO.8086/05.

BY SRI.RAJAN JOSEPH, ADDL.A.G.
SRI.D.KRISHNA PRASAD
SRI.A.M.SHAFFIQUE
SRI.E.K.NANDAKUMAR
SRI.A.K.JAYASANKAR NAMBIAR
SMT.PRIYA MAHESH
GOVERNMENT PLEADER SRI.THOMAS JOHN AMBOOKEN

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 15/06/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON CMP.NOS.8306/1993 , 11094/1996 IN OP. 4494/1996

DISMISSED

15.06.2007 **SD/- KURIAN JOSEPH, JUDGE**

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE ORDER DT.23.9.75 OF THE 2ND RESPONDENT.

EXT.P2:- COPY OF THE ORDER DT. 21.7.76 OF THIS HONOURABLE COURT IN CRP. NO.2293/1975.

EXT.P3:- COPY OF THE ORDER DT. 10.1.97 PASSED BY THE 2ND RESPONDENT.

EXT.P4:- COPY OF THE NOTICE DT. 23.5.92 ISSUED BY THE 2ND RESPONDENT TO THE PETITIONER.

EXT.P5:- COPY OF THE NOTICE DT. 2.7.92 ISSUED BYU THE 2ND RESPONDENT TO THE PETITIONER.

EXT.P6:- COPY OF THE OBJECTION (DATE NOT SHOWN) SUBMITTED BY THE PETITIONER TO THE 2ND RESPONDENT.

EXT.P7:- COPY OF THE ORDER DT. 5.3.93 PASSED BY THE 2ND RESPONDENT.

RESPONDENTS EXHIBITS

EXT.R3(A):- COPY OF THE PURCHASE CERTIFICATE NO.285/74 DT. 29.3.72 ISSUED BY THE SPECIAL TAHSILDAR (LAND REFORMS) NO.III, KASARAGOD.

EXT.R3(B):- COPY OF THE JUDGMENT IN OS. NO.10/52 DT. 31.10.53 OF THE MUNSIFF'S COURT, KASARAGOD.

EXT.R3(D):- COPY OF THE REGISTERED SALE DEED BEARING NO.1034/71 OF THE KASARAGOD SUB REGISTRY OFFICE, DT. 5.8.71.

EXT.PR3(E):- COPY OF THE ENGLISH TRANSLATION OF EXT.R3(3)

KURIAN JOSEPH, J.

O.P. NO. 4494 OF 1993

Dated this the 15th day of June, 2007.

J U D G M E N T

Petitioners approached this Court aggrieved by Exhibits P4 and P7. It is seen that the special leave petition filed against the order dated 27.09.2006 of the Full Bench of this Court has been dismissed. The issue pertains to the interpretation regarding the reopening under Section 85(9A) of the Kerala Land Reforms Act, 1963.

2. Now it is for the petitioners to pursue the matter on merits before the Taluk Land Board. Therefore, without expressing any opinion as to the merits on the contentions of the parties, this original petition is disposed of making it clear that it will be open to the petitioners to pursue their contentions before the Taluk Land Board. Needless to say that while Taluk Land Board passing orders, all the affected parties will also be heard.

KURIAN JOSEPH, JUDGE.

smp